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Rome News-Tribune

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The PCB Legacy

Despite health, environmental concerns, removal of potentially cancer-causing pollutants stalled.

09/07/03

By Kevin Bowen, Rome News-Tribune Staff Writer

On the surface, the discussion of how to remove PCBs from the idled General Electric plant in Rome has brought words of cooperation and agreement.

But that calm face hides a blistering war of words during the past year about whether to place the GE Rome plant on a list of the nation's most serious hazardous waste sites.

The fight involves shifting alliances among the federal Environmental Protection Agency, the state Environmental Protection Division and the multibillion-dollar corporation that once was Rome's largest, most welcome employer.

The battle surfaced with EPA intervention this summer and continues today. The back story of this fight reveals a long tug-of-war with, as one federal environmental official concludes, the fate of Greater Rome's health and environment at its core.

On May 23, 2002, EPA Waste Management Division Director Richard Green sent a letter to EPD Director Harold Reheis, asking if the federal government should consider GE's Rome plant for the EPA's National Priorities List.

Efforts to address PCB issues were not "progressing adequately" and state oversight may "no longer be in the best interest of human health and the environment," Green wrote.

NPL listing would bring federal dollars and oversight and would subject GE to triple the cost if it didn't comply.

Two months later, Reheis consented, saying the EPD had waited patiently for 15 years for GE to get substantial cleanup effort moving.

"Despite all the efforts of EPD, contamination on and off the plant site remains largely unaddressed," Reheis wrote.

Reheis' letter cites four major considerations — groundwater,

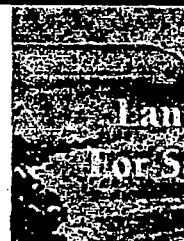
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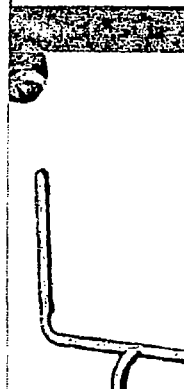
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Local Poll

The Rome Braves begin a best-of-five league championship series with the Lake County (Ohio) Captains on Monday. How will it all end?

Braves win! ☐ 54%
 Braves win!
 Braves win!
 Lake County takes the SAL ☐ 46%
 crown.

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sediment and soil PCB levels outside the plant that stretched as high as 95,000 parts per million; significant, ongoing sources of contamination onsite; contamination of nearby waterways and fish; and an appeal of GE's hazardous waste permit.

GE spokesman Gary Sheffer said the letters between the environmental agencies were part of a "snapshot" that changed as time moved on. GE has worked through its differences with the EPD and created a plan to clean the Redmond Circle Corridor protective of the ecology and human health, he said.

"If you look at any one time, you can find disagreement," Sheffer said. "The bottom line for us is that work gets done, and we've done a lot of work in Rome."

GE has spent about \$40 million in remediation efforts in Rome with more on the way, he said.

But since those letters, GE has opposed a federal takeover of the cleanup, saying the state can and should handle the process. That opposition ranges from the possible priorities list issue to the eventual June 11 issuance of an EPA unilateral administrative order, which has brought the site to the edge of direct federal intervention. "Certainly, we have made it known to anyone that we talk to that we think it is unnecessary," Sheffer said.

A Rome News-Tribune investigation of state and federal records concerning the fate of GE's PCB legacy details that fight. Letters and e-mails obtained through state and federal public records requests show how the environmental agencies and GE have battled about the much-delayed removal of PCBs, a possible source of cancer in humans.

All the while, the environmental contamination left from GE's heyday remains on the land and waterways that many say should be reclaimed and restored for future industrial use.

POWER POLITICS

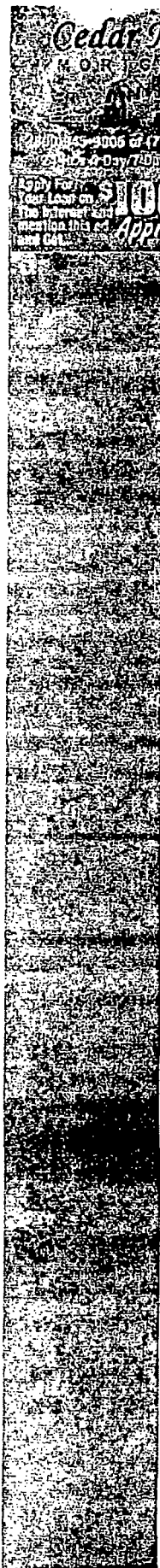
The closed-door struggles involving the EPD, the EPA and GE played out as a titanic game of leverage.

State environmental officials used the EPA to try to force GE into a favorable settlement, according to a Reheis memorandum.

Meanwhile, facing the prospect of federal power and the chance of massive penalties, GE tried to squeeze the governor's office into removing federal authorities from consideration and granting a quicker, perhaps less strict cleanup agreement.

The EPA first listed the GE plant as a site for investigation on Aug. 1, 1980, three years after GE stopped using PCBs in the manufacture of medium transformers at its Rome site.

Investigations have continued since then. GE conducted a site-wide investigation in 1995, and company officials say they've been working on ways to clean the area ever since.



The prospect of federal intervention rose in May 2002, when the EPA asked for the state's opinion on placing the site on the National Priorities List.

If approved, it would place federal authority and money behind cleanup efforts. It likewise would mean the EPA would clean the property if the company failed — and charge GE three times that amount, a bill that could run in the millions of dollars.

In his May 23, 2002, letter to Reheis, the EPA's Green said priorities listing may be necessary because GE's "unwillingness" to comply with state and federal requirements resulted in "unreasonable delays" in the process.

Reheis' July 23 reply agreed that the EPA should consider the site for NPL, saying it "may be necessary to protect human health and the environment."

"We have been unsuccessful in our efforts requiring GE to adequately clean up these off-site areas and consider this situation an ongoing, uncontrolled threat to human health and the environment," Reheis wrote.

GE officials say they do not understand how the EPA had come to consider the site for the priority list. They say placement on the list would slow further cleanup efforts.

"It's unclear to us why they are coming forth with this NPL listing, if they go that route," said GE Rome plant manager Richard Lester. "It would slow the process. ... It would interject another layer there that would further slow down reviews and approvals."

THE STRATEGY

GE has faced a National Priorities List threat before because of PCB contamination.

At its Pittsfield, Mass., plant, regulators and environmental groups used the threat to hammer GE into a 400-page, multimillion-dollar consent order in 1999.

The cleanup cost ranges from GE's estimate of \$150 million to the federal government's \$250 million guesstimate. That cleanup is in progress.

"Their strategy is to keep it away from Superfund because of the economic damages," said Tim Gray, a member of the Hoosiatonic River Initiative, an environmental group monitoring the Pittsfield cleanup.

Georgia environmental officials hoped to clone the Pittsfield approach. A January 2003 memorandum from Reheis to the governor's office notes the success of the Pittsfield strategy.

"EPA has the resources to clean up the off-site properties if GE refuses or delays the cleanup," Reheis said. "Our State Hazardous

Waste Trust Fund simply does not have the resources to undertake this action."

The note indicates Reheis did not want to turn over the site to the EPA but rather wanted to use its power to reach a deal with GE that kept oversight within Georgia control.

However, the memorandum notes the decision would not be popular with the Greater Rome Chamber of Commerce, which fears a Superfund designation would cripple industrial recruitment.

"GE is adamantly opposed to an NPL listing and will likely fight it very aggressively," Reheis wrote.

Sheffer said the desire to keep things at the state level does not come from a wish to deal with an agency with less muscle. The company simply thinks federal intervention will slow down the cleanup, he said.

"We just feel that adding another level of oversight and having to update and have things start all over again and have to redo work is not in the best interest of the community," Sheffer said.

Lester said the delay since the beginning of the investigation is the result of the normal regulatory process.

"We write work plans," Lester said. "EPD reviews them. We can't proceed with the next step until EPD reviews them and approves them."

Then-Gov. Roy Barnes had approved of the state seeking the federal priorities list status, according to Reheis' memo. However, according to Lester, Barnes' office weighed in on a disagreement about groundwater cleanup.

In 2001, the EPD made a change to GE's hazardous waste permit that set standards for groundwater remediation on site. GE appealed the changes.

According to Lester, the two sides were in dispute about the number of monitoring wells, the frequency of sampling and the on-site groundwater standards that GE would need to reach once cleanup was completed.

Barnes assigned a staff member to find a solution to the permit dispute, Lester said.

"We did settle it," Lester said. "There was some, I'll call it 'pressure,' from the governor's office to get this resolved."

In the end, GE gave ground on the wells, Lester said, while the EPD allowed the company to meet an alternative groundwater standard proposed by the company for contaminants without a standard.

'STRAIGHT-FACE TEST'

The situation took a dramatic turn after Barnes, a Democrat, lost his re-election bid. GE quickly pressed its case to the incoming Sonny Perdue administration.

On Jan. 8, five days before Perdue's inauguration, GE lobbyist Trey Paris wrote an e-mail to incoming governor's chief of staff Eric Tanenblatt asking for a meeting.

"What (EPD) has been doing is not only s--- GE, but it is making the state look like it can't handle its environ(mental) issues," Paris wrote.

The EPD was "trying to pull a fast one" on the company, Paris wrote, and the agency needed to "terminate" the EPA's involvement "so that we and the state can properly handle it."

The company was on its way to successfully resolving the issues without federal intervention, Paris concluded.

Sheffer, questioned about the Paris e-mail last week, said, "I wouldn't agree with the characterization but it reflects our belief that we did not need EPA involved in what we thought would be slowing down the progress in Rome."

In a Jan. 14 meeting with Perdue's staff and state legislators — including state Sen. Preston Smith, R-Rome — GE officials pressed their case for a re-examination of the NPL issue.

"(GE's) request of the governor is that his administration pull back from the previous administration's request that EPA get involved, take a fresh look at the situation and resolve this issue at the state level," according to a governor's office memorandum summarizing the meeting.

Sheffer described that meeting as a routine briefing, similar to ones held for state and federal authorities as well as the Barnes administration. Sheffer said he was unaware of his company asking to have the EPA removed from the process.

"I think we can say that we certainly expressed our opinion that we don't think ... EPA's insertion is necessary," Sheffer said.

Smith, a first-term state senator representing Northwest Georgia, said he attended the meeting to learn more about the issue. Smith said he prefers keeping it at the state level as long as it produces an effective cleanup.

"I agree that probably the most efficient way would be to control it at a state level," Smith said last week.

On Jan. 15, Perdue's staff met with Reheis and Jim Ussery, a hazardous waste division program manager, who defended the agency's strategy.

Reheis said GE had been "formidable to deal with and not timely in their cleanup work," according to a memo. Reheis added he

wanted a process that passed the "straight-face test."

The governor's office recommended that GE and the EPD continue talking, and the parties returned to working out a plan.

PERSONALITY CONFLICT

Records indicate the battle was not just one of numbers or will, but also one of personality.

GE officials expressed "high regard for" Reheis, according to the governor's office summary.

However, GE officials were less kind to two staffers, the EPA's Green and the EPD's Jennifer Kaduck, the branch manager for the hazardous waste division.

The personality conflict came to a head in late January as GE tried to work out an agreement with the agencies.

"(Paris) said that a few of the staffers involved — Jennifer Kaduck, who works for Harold (Reheis), and Dick Green, who works for Jimmy Palmer at the EPA — were still being somewhat difficult/belligerent," according to an e-mail from a governor's staffer.

Kaduck did not return phone calls to her office. Green, who retired in February, declined to comment for this story.

Sheffer said any split in opinion between the administration and the hazardous waste division reflected normal disagreements. GE will abide by any decision, he added.

"In cases where there are complex issues, there are always differences (in opinion) of how to proceed," Sheffer said.

THE GE/EPD PLAN

In mid-February, GE and the state reached an agreement in principle on the Redmond Corridor Cleanup. The plan was then written and submitted to the EPD in May.

The agreement included the pump-and-treat method for removing PCBs from groundwater in the Redmond Corridor. Both the EPA and the EPD had expressed concerns that the method would allow the escape of PCBs in the fractured underground geology.

That agreement also marked the beginning of the end of full EPD-EPA cooperation.

The EPD accepted the agreement and asked GE to submit it in a formal plan, but EPA officials continued to express concern.

In March, the EPA's Palmer wrote a letter to Reheis outlining 14 points of concern. While the letter gave an encouraging nod to the progress, it also stated that the EPA found some of the plan unacceptable.

In an April 21 letter, with a tentative agreement in hand, Reheis responded to the 14 points. He completed the letter by asking the EPA not to seek NPL status.

"During the past year, there has been significant progress in investigation and cleanup," Reheis wrote to Palmer. "This progress has laid a good foundation for the remaining work at the Rome facility and I think it demonstrates that the existing (state) permit can achieve protection of human health and the environment in an effective manner."

Reheis, who retired July 15, deferred all questions to the current staff when reached for comment on this story.

Interim Director David Word said he was not familiar with the details of the issue and referred questions to Kaduck, who did not return phone calls.

GE officials say the plan and specifically the pump-and-treat system protect human health and the environment.

"They (EPD) are in agreement with this plan," Lester said.

With the Reheis letter, GE appeared to get what it wanted — the removal of federal oversight and the inclusion of a pump-and-treat system.

However, the EPA retained the right to intervene in the process on its own.

In the end, that is exactly what the EPA decided to do — issuing a unilateral administrative order June 11, which moved the ball into the federal realm. The order repeated several of the complaints found in Palmer's 14 points of concern.

The order stretches through 26 pages. An accompanying "statement of work" gives 42 more pages detailing the actions that the EPA wants included.

The order also states that, despite Reheis' disinvitation, the EPA is still considering the GE plant and surrounding area as a potential NPL site.

The order recited a long history of the site, expressed three lingering concerns about the GE plan and expressed concern that the agreement did not adequately protect public health and the environment.

GE, EPA and EPD officials met behind closed doors at a lodge in Unicoi State Park in early August, where the EPA made specific demands of GE.

For now, the federal order is set to go into effect Oct. 1, although the previous deadline has been delayed three times. Meanwhile, the EPA and GE are trying to come to an agreement on how to clean the area, trying to come to a solution that has eluded the

agency for all these years.

Staff Writer Jessica M. Walker contributed to this story.

PCB UPDATE MEETING MONDAY

A meeting with officials from the city of Rome, Floyd County, General Electric, the U.S. Environmental Protection Agency and the Georgia Environmental Protection Division is set for 7 p.m. Monday at The Forum. The meeting is part of a regular system of updates for local officials concerning the progress of the PCB cleanup around the Rome General Electric plant and the surrounding areas.

ABOUT PCBs

Polychlorinated biphenyls are substances used in the manufacture of medium transformers at GE's Rome plant from 1953-1977. The federal Environmental Protection Agency classifies PCBs as a probable human carcinogen and forbids their use.

ABOUT THIS SERIES

This is the first of a four-day special report examining Greater Rome's decades-old PCB contamination and what is stalling efforts to clean up one of the state's largest environmental concerns: Today: State, federal records reveal the conflicts and politics behind attempts to get cleanup of GE site under way. Also: The history of the GE plant in Rome. Monday: The cleanup of PCBs in the Redmond Corridor involves a system that some oppose because of the geology under the GE plant. Also: A profile of the Emelle, Ala., facility where PCBs and other wastes are disposed. Tuesday: A closer look at PCBs' potential health effects. Wednesday: The fate of the GE plant site.

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